

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.14491 of 2015

Arising Out of PS.Case No. -137 Year- 2009 Thana -BUXAR MUFFSIL District- BUXAR

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1. Md. Saifuddin Son of Late Hadish Miya Resident of village -
Raghunathpur, Police Station Brahmpur, District - Buxar

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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with

Criminal Miscellaneous No.15645 of 2015

Arising Out of PS.Case No. -137 Year- 2009 Thana -BUXAR MUFFSIL District- BUXAR

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1. Chandra Shekhar Singh Son of Bahadur Singh Village- Bagen P.s -
Bagen Gola, District- Buxar

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

(In Cr.Misc. No.14491 of 2015)

For the Petitioner/s : Mr. Binay Kumar

For the Opposite Party/s : Mr. R.S.Choudhary (App)

(In Cr.Misc. No.15645 of 2015)

For the Petitioner/s : Mr. Soni Shrivastava

For the Opposite Party/s : Mr. Tapeswar Sharma(App)

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

05/ 03.07.2015 Counter affidavits are filed on behalf of the
informant.

Both the above stated petitions arise out of Buxar (M)
P.S. Case no. 137/2009 registered under section 307/34 of the
Indian Penal Code, section 27 of the Arms Act in which
petitioners apprehend their arrest and accordingly, both the

above stated petitions are being disposed of by this common order.

Heard learned counsel for the respective petitioners as well as learned Addl. Public Prosecutor for the State assisted by learned counsel for the informant.

The alleged occurrence is said to have taken place on 21.9.2009 while the informant along with his other family members were going by Bolero. The fardbeyan of the informant was recorded on 23.9.2009 in a nursing home situated at Patna. Informant, specifically, named the petitioners and stated about their participation in the alleged crime.

Para 2 of the case diary reveals that police got information regarding the occurrence on 21.9.2009 i.e. on the day of the occurrence itself but it is surprising enough that police took two days' time to locate the injured, particularly, in the circumstance, when informant was a prominent political worker.

Moreover, Investigating officer concerned did not take pain even to record further statement of the informant (injured) in detail and submitted final form showing accusation untrue.

However, taking note of the statement of injured as well as facts and circumstances of the case, the payer for bail of both the petitioners stands rejected, at least, at this stage.

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(Hemant Kumar Srivastava,J)